

85th Legislative Session – 2010

Committee: House Judiciary

Wednesday, February 17, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Engels
P Feinstein
P Gibson
P Gosch
P Hamiel
P Hoffman
P Killer
P Lust
P Moser
P Schlekeway
P Turbiville
P Hunt, Vice-Chair
P Cutler, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Joni Cutler.

MOTION: TO APPROVE THE MINUTES OF FRIDAY, FEBRUARY 12, 2010.

Moved by: Hoffman
Second by: Gosch
Action: Prevailed by voice vote.

HB 1164: revise no contact provisions in cases of stalking and domestic abuse.

Presented by: Representative David Novstrup
Proponents: Dianna Miller, SD Network Against Family Violence & Sexual Assault
Kim Malsam Rysdon, Department of Social Services

MOTION: DO PASS HB 1164

Moved by: Turbiville
Second by: Gosch
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Engels, Gibson, Gosch, Hamiel, Hoffman, Killer, Lust, Moser, Schlekeway, Turbiville, Hunt, Cutler

Excused: Feinstein

MOTION: PLACE HB 1164 ON CONSENT CALENDAR

Moved by: Moser
Second by: Hoffman
Action: Failed by voice vote.

HB 1136: limit asbestos-related liabilities for certain successor corporations.

Presented by: Representative Roger Hunt (Handouts: #1)
Proponents: Dick Gregerson, Crown, Cork & Seal
Michael Rowley, Crown, Cork & Seal
David Owen, SD Chamber of Commerce & Industry
Opponents: Roger Tellinghuisen, SD Trial Lawyers Association
Mark Anderson, State Federation of Labor AFL-CIO, SD

MOTION: DEFER HB 1136 TO THE 41ST LEGISLATIVE DAY

Moved by: Turbiville
Second by: Feinstein
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1136

Moved by: Hunt
Second by: Gosch
Action: Failed by roll call vote. (6-6-1-0)

Voting Yes: Gosch, Hamiel, Hoffman, Schlekeway, Hunt, Cutler

Voting No: Engels, Feinstein, Gibson, Killer, Moser, Turbiville

Excused: Lust

MOTION: DO PASS HB 1136

Moved by: Hunt

Second by: Gosch

Action: Prevailed by roll call vote. (7-6-0-0)

Voting Yes: Gosch, Hamiel, Hoffman, Lust, Schlekeway, Hunt, Cutler

Voting No: Engels, Feinstein, Gibson, Killer, Moser, Turbiville

HB 1265: revise certain provisions related to indigent counsel.

Presented by: Representative Peggy Gibson (Handouts: #2)

Proponents: Michael Moore, Beadle County States Attorney
Chuck Schroyer, SD States Attorneys Association

MOTION: DO PASS HB 1265

Moved by: Lust

Second by: Moser

Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Hoffman, Killer, Lust, Moser,
Schlekeway, Turbiville, Hunt, Cutler

MOTION: PLACE HB 1265 ON CONSENT CALENDAR

Moved by: Moser

Second by: Hoffman

Action: Prevailed by voice vote.

HB 1187: prohibit the killing, injury, or interference with a law enforcement support animal and to establish certain penalties.

Presented by: Representative Martha Vanderlinde

MOTION: DO PASS HB 1187

Moved by: Moser

Second by: Feinstein

Action: Prevailed by roll call vote. (11-2-0-0)

Voting Yes: Engels, Feinstein, Gibson, Hamiel, Hoffman, Killer, Lust, Moser, Schlekeway, Turbiville, Cutler

Voting No: Gosch, Hunt

HB 1167: revise the term of service of a grand jury.

Presented by: Representative Oran Sorenson

Opponents: Chuck Schroyer, SD States Attorneys Association

MOTION: DO PASS HB 1167

Moved by: Engels

Second by: Gibson

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1167 TO THE 41ST LEGISLATIVE DAY

Moved by: Moser

Second by: Turbiville

Action: Failed by roll call vote. (4-8-1-0)

Voting Yes: Lust, Moser, Turbiville, Cutler

Voting No: Engels, Gibson, Gosch, Hamiel, Hoffman, Killer, Schlekeway, Hunt

Excused: Feinstein

THE MOTION TO DO PASS HB 1167

Moved by: Engels

Second by: Gibson

Action: PREVAILED BY ROLL CALL VOTE. (8-4-1-0)

Voting Yes: Engels, Gibson, Gosch, Hamiel, Hoffman, Killer, Schlekeway, Hunt

Voting No: Lust, Moser, Turbiville, Cutler

Excused: Feinstein

HB 1161: provide that an out-of-country foreign judgment need not be recognized if the cause of action resulted in a defamation judgment obtained in a jurisdiction outside the United States, unless a court in this state first determines that the defamation law applied in the foreign court's adjudication provided at least as much protection for freedom of speech and press as would be provided in this state.

Presented by: Representative Dan Lederman

MOTION: DO PASS HB 1161

Moved by: Gibson
Second by: Hamiel
Action: Prevailed by roll call vote. (9-2-2-0)

Voting Yes: Gibson, Gosch, Hamiel, Hoffman, Killer, Moser, Schlekeway, Hunt, Cutler

Voting No: Lust, Turbiville

Excused: Engels, Feinstein

HB 1177: prohibit the granting of subsequent suspended impositions of sentence to the same defendant.

Presented by: Representative Thomas Deadrick

MOTION: DO PASS HB 1177

Moved by: Moser
Second by: Gibson
Action: Prevailed by roll call vote. (7-4-2-0)

Voting Yes: Gibson, Hamiel, Lust, Moser, Schlekeway, Hunt, Cutler

Voting No: Gosch, Hoffman, Killer, Turbiville

Excused: Engels, Feinstein

MOTION: ADJOURN

Moved by: Gibson
Second by: Hoffman
Action: Prevailed by voice vote.

Linda Dugaard
Committee Secretary

Joni M. Cutler, Chair